



## MEMORANDUM

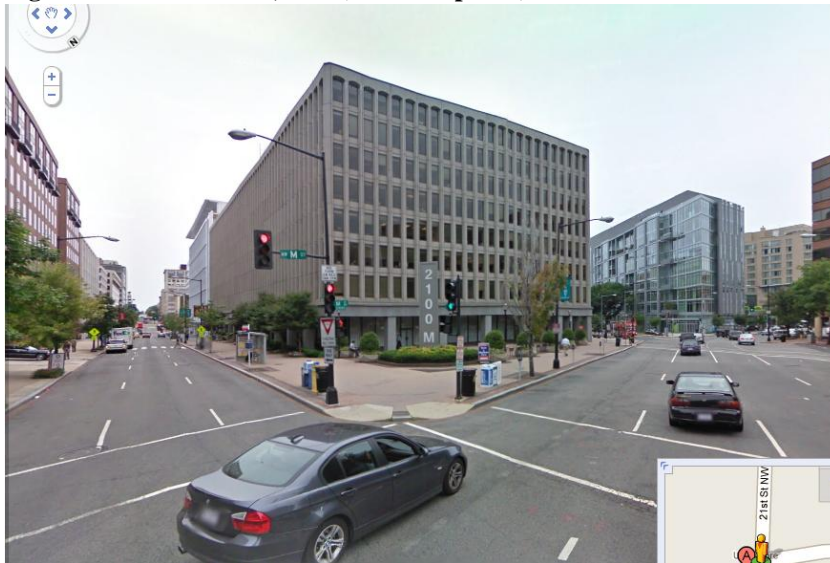
**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation  
**DATE:** December 4, 2009  
**SUBJECT:** Extension Request – BZA Case 17696, 2100 M Street, NW

**OP RECOMMENDATION:** OP recommends the Board approve the requested extension.

Applicant:	Hines VAF II 2100 M Street, :L.P.
Property Address:	2100 M Street, NW
Ward / ANC	Ward 2; ANC 2A
Project Summary:	Renovation & expansion of C-3-C office building, using height and FAR gained through TDRs in New Downtown Receiving Zone. Board granted 3 variances and 1 SE for parking & loading; 1 height variance; 1 setback SE.
Date of Order Issuance:	December 20, 2007
Previous Extension:	none
Date of Order Expiration:	December 20, 2009

### PHOTO(S) OF SITE:

**Figure 1. 2100 M Street, NW (center of photo)**



### EVALUATION OF THE EXTENSION REQUEST

Section 3031.6 of the Zoning Regulations allows for the extension of a BZA approval for “good case” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the BZA determines that the following requirements are met:

- (a) **The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.**

The application submitted to the BZA is dated October 23, 2009 and has been in the public record since filing. §3130.9 further provides that a time extension filed at least 30 days prior to the expiration date shall toll the expiration date to allow the BZA to consider the request



**(b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application.**

- **Zoning Regulations:** There has been no change affecting the project.
- **Surrounding Development:** There has been no new development within two blocks of the project site since the application was approved.
- **Proposed Development:** The application indicates that no changes to the approved development are proposed as part of this extension request.

**(c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.**

- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;**
- (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or**
- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.**

On December 1, 2009, the applicant submitted substantial documentation to the Office of Zoning demonstrating an inability to secure project financing under current market conditions.

JS/Stephen Cochran, Case Manager